

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED TECHNOLOGIES
INTERNATIONAL CORPORATION,

Plaintiff,

-against-

HONG KONG AIRLINES LIMITED and
HAINAN AIRLINES HOLDING CO., LTD.,

Defendants.

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

20 Civ. 8058 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

WHEREAS, on October 28, 2021, the Court, having been advised that all claims asserted herein have been settled, ordered that the above-entitled action be dismissed with prejudice but without costs; provided, however, that if the settlement was not consummated within sixty days of that order (*i.e.*, by December 27, 2021), any party may apply by letter within that sixty-day period for restoration of the action to the calendar of the undersigned, in which event the action will be restored (ECF No. 46, the “October 28, 2021 Order”);

WHEREAS, on November 30, 2021, the parties applied by letter to restore this action for the limited purpose of vacating the October 28, 2021 Order and reentering the same order providing for a conditional dismissal without prejudice, consistent with the terms of the parties’ confidential settlement agreement;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The October 28, 2021 Order is vacated, and the above-captioned action is reinstated for the limited purpose of entry of this Order;
2. The above-captioned action is dismissed without prejudice and without costs; provided, however, that if the settlement is not consummated by December 27, 2021, any party

may apply by letter prior to December 27, 2021 for restoration of the action to the calendar of the undersigned, in which event the action will be restored.

Dated: December 10, 2021

New York, New York

SO ORDERED.



Paul G. Gardephe
United States District Judge